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January 14, 2008

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Pages: 3

Honorable Alvin K. Hellerstein
United States Courthouse
500 Pearl Street, Room 1005
New York, New York 10007

Our Ref: 173-07/WLJ

*Copy received to
March 28, 2008, 9:30 a.m.
11-15-08
[Signature]*

RE: Meks Trustlink (Private) Nigeria Limited
and Emmanuel Uzor v. M/V MSC NAPOLI,
her engines, tackle, boiler, etc., *in rem*,
METVALE LIMITED, METVALE LIMITED
PARTNERSHIP and MEDITERRANEAN SHIPPING
COMPANY S.A., *in personam*
07 Civ. 8345

Dear Judge Hellerstein:

We represent defendant Mediterranean Shipping Company S.A. in this action, which is scheduled for an initial conference on January 18, 2008 at 9:30 a.m.. We write, with consent of the plaintiffs' attorneys and attorneys for co-defendants, to request a sixty day adjournment of that conference. No prior adjournment has been requested.

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USDC SDNY	
COUNSEL FOR PLTFF(S):	
DOCUMENT	
COUNSEL FOR DFT(S):	
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This claim for loss of cargo arises out of a major maritime casualty involving the containership MSC NAPOLI. On January 17, 2007, loaded with cargo primarily destined for Africa, the MSC NAPOLI departed Antwerp. On January 18th the vessel encountered heavy weather and developed a severe structural failure, resulting in flooding of the engine room and one cargo hold. The crew abandoned ship, which was subsequently taken under tow by a salvor, and beached on the coast of England. Over 2000 containers of cargo were either lost or damaged.

There were 90 shipments in all which originated in the United States and were carried by the MSC NAPOLI. We anticipate that prior to the expiration of the one year statute of limitations, approximately one month from now, additional claims will be filed in this Court. Because all claims will arise out of a single incident and will involve common issues of law and fact, we intend to move to consolidate all such actions. Therefore, it may be more efficient to set down a discovery schedule after those other suits have been filed and the claims have been consolidated.


In this action the plaintiffs, owners of lost cargo, have named as defendants Mediterranean Shipping Company, S.A., the time charterers of the vessel, Metvale Limited, the registered owners of the vessel, and Metvale Limited Partnership, the bareboat charterers of the vessel. The plaintiffs served the Complaint on Metvale Limited Partnership under F.R.C.P. Rule 4(f) (2)C(ii) at their registered corporate address of 80 Broad Street, Monrovia, Liberia. Metvale Limited has been served pursuant to F.R.C.P. Rule 4(f)(1) under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents at their registered corporate address in Tortolla, British Virgin Islands. Those services were completed only recently and, just today those defendants appointed Tisdale Law Offices to represent them.

We suggest that it would be prudent to adjourn the first conference until the owners and bareboat charterers' counsel has acquired some familiarity with the case, as those parties control the vital documentation and witnesses relating to the marine casualty which gives rise to this case. To set a discovery schedule before Tisdale Law Offices has become familiar with the facts of the case and the available evidence might only result in the discovery schedule being reconsidered at a future date.

Within sixty days, any other actions to be filed prior to the one year statute of limitations will have been commenced and counsel for the vessel owners and bareboat charterers will have achieved familiarity with the case.

We thank Your Honor in advance for your consideration of this request.

Respectfully submitted,
FREEHILL HOGAN & MAHAR LLP



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WLJ:cm

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